

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

TONY LEON WALKER

PLAINTIFF

v.

Civil No. 06-5023

BENTON COUNTY DETENTION
CENTER; and ALL DEPARTMENT
EMPLOYEES IN THE BOOKING AREA
AND THE OFFICERS INVOLVED IN
TRANSPORTING PLAINTIFF TO THE
HOSPITAL

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Tony Leon Walker filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 on February 10, 2006. His complaint was filed in forma pauperis (IFP).

On March 7, 2006, the undersigned entered an order (Doc. 5) directing Walker to complete, sign and return an attached addendum to his complaint. The addendum was to be returned by April 7, 2006.

On March 15, 2006, the court's order and attached addendum were returned as undeliverable. Thereafter, the court contacted Walker's probation officer in an attempt to obtain a current address for Walker. In apparent response to this inquiry, Walker notified the court of his current address. A change of address was entered on March 23, 2006 (Doc. 6). All mail that had been returned to the court was re-sent to Walker at the new address.

To date, the plaintiff has failed to respond to the addendum. Mail including the court's order and attached addendum that were sent to the new address on March 23rd have not been returned as undeliverable. Walker has not sought additional time to respond to the addendum. Walker has not communicated with the court.

I therefore recommend Walker's claims be dismissed on the grounds he has failed to prosecute this action and comply with the order of the court. *See* Fed. R. Civ. P. 41(b). **Walker has ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. Walker is reminded that objections must be both timely and specific to trigger de novo review by the district court.**

DATED this 21st day of April 2006.

/s/ Beverly Stites Jones
UNITED STATES MAGISTRATE JUDGE